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Reply under 37 CFR 1.116
-- Expedited Procedure --
Examining Group 3618

Attorney's Docket No.: 14489-004001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Norman et al. Art Unit : 3618
Serial No. : 10/076,795 Examiner : Bridget D. Avery
Filed : February 12, 2002
Title : SYSTEM, APPARATUS AND METHOD FOR PROVIDING CONTROL OF A
TOY VEHICLE

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO FINAL OFFICE ACTION OF JUNE 29, 2005

Claims 1-4, 6-10, 41, 46-53, and 58-80 are pending in the application and were rejected in an Office Action dated June 29, 2005. Applicant respectfully requests reconsideration of the rejections in view of the following remarks.

Claims 1, 2, 4, 7, 9, 10, 41, 46, 48, 50, 52, 53, 60-65, 67-69, and 71-80 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mezzatesta, Jr. et al., U.S. Patent No. 5,349,276. The Mezzatesta reference teaches a motor control system for controlling the speed of a motor in accordance with a predetermined motor speed profile (see abstract). The system described in Mezzatesta is intended to control the operation of a motor in an amusement park ride in accordance with a predetermined speed profile (see col. 1, lines 16-48).

Independent claim 1 recites detecting a change in a throttle signal from a first level to a second level, the throttle signal operable to induce motion via a motor operating as a drive mechanism of the toy vehicle. The Examiner cites the speed monitoring signals of Mezzatesta as corresponding to the throttle signal of the claim. The speed monitoring signals are not throttle signals, however, because they are not operable to induce motion via a motor operating as a drive mechanism. The speed monitoring signals are generated in response to a detected speed of the disclosed motor and are used to identify states of the motor (see col. 5, line 61, to col. 6, line 68).

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